

EXHIBIT 7

Daniel Herrick - July 25, 2019

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT Case No. 5:17-cv-194</p> <p>MISTY BLANCHETTE PORTER, M.D., Plaintiff</p> <p>vs. DARTMOUTH-HITCHCOCK MEDICAL CENTER, DARTMOUTH-HITCHCOCK CLINIC, MARY HITCHCOCK MEMORIAL HOSPITAL, and DARTMOUTH-HITCHCOCK HEALTH, Defendants.</p> <p>DEPOSITION OF DANIEL HERRICK taken on behalf of the Plaintiff at Norwich, Vermont, on July 25, 2019, at 9:54 a.m., before Cynthia Foster, Registered Professional Reporter.</p>	<p style="text-align: right;">3</p> <p>1 Email, DeMars and Herrick, 3/29/17, DH0011363-65 41</p> <p>2 Email, Herrick to DeMars and Shields, 4/18/17, DH0011253-54 46</p> <p>3 Email, Gunnell and Herrick and DeMars, 4/19/17, DH0009582 52</p> <p>4 Email, Gunnell and Herrick and DeMars, 4/21/17, DH0009574 63</p> <p>5 Email, Gunnell and Herrick and DeMars, 4/21/17, DH0009574-76 64</p> <p>6 Email, Herrick to Gunnell, 4/21/17, DH0009572-73 69</p> <p>7 Email, DeMars to Herrick, 4/25/17, DH0025744-45 75</p> <p>8 Email, DeMars and Herrick, 4/27/17, DH0004461-62 96</p> <p>9 Email, Gunnell to Herrick, 4/28/17, DH0008918-19 101</p> <p>10 Email, Gunnell to Herrick and DeMars, 4/28/17, DH0008916-17 101</p> <p>11 Email, Gunnell to Herrick, 5/1/17,</p>
<p style="text-align: center;">2</p> <p>APPEARANCES:</p> <p>Geoffrey Judd Vitt, Esquire Sarah Nunan, Esquire Vitt & Associates, PLC 8 Beaver Meadow Road P.O. Box 1229 Norwich, Vermont, 05055, on behalf of the Plaintiff, Misty Blanchette Porter, M.D. Katherine Burghardt Kramer, Esquire KBK Law 6 Mill Street P. O. Box 23 Middlebury, Vermont, 05753, on behalf of the Plaintiff, Misty Blanchette Porter, M.D.</p> <p>Donald W. Schroeder, Esquire Foley & Lardner, LLP 111 Huntington Avenue, Suite 2500 Boston, Massachusetts, 02199-7610, on behalf of the Defendants, Dartmouth-Hitchcock Medical Center, Dartmouth-Hitchcock Clinic, Mary Hitchcock Memorial Hospital, and Dartmouth-Hitchcock Health.</p>	<p style="text-align: right;">4</p> <p>12 Email, Giglio to Merrens, 5/2/17, DH0026715-16 105</p> <p>13 Email, DeMars to Merrens, 5/14/17, DH0010594-96 109</p> <p>14 Email, Herrick to Merrens, 5/12/17, DH0010582 121</p> <p>15 Email, Gunnell to Herrick, 6/6/17, DH0015547-48 128, 134</p> <p>16 Email, DeMars to Strohbehn, et al, 6/14/17, DH0009476-78 131</p> <p>17 Email, Padin to Merrens, 6/22/17, DH0013227 135</p> <p>18 Email, Pizzuti to Gunnell, 9/28/17, DH0015529-30 137</p> <p>19 Email, Birenbaum to Merrens, 5/12/17, DH0009053 139</p> <p>20 Email, Gunnell to Herrick, 6/7/17,</p>

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<p style="text-align: right;">13</p> <p>1 A We made that recommendation to Ed Merrens.</p> <p>2 Q Who made the decision to stop or close the REI</p> <p>3 Division?</p> <p>4 A I strongly advocated for it and asked permission</p> <p>5 to do it. I guess the question, that's a hard</p> <p>6 question to answer in an organization. I mean,</p> <p>7 I guess the higher up, had to be a higher up so</p> <p>8 it was approved by Ed Merrens.</p> <p>9 Q Did it go to the CEO?</p> <p>10 A I don't believe that the decision went to the</p> <p>11 CEO. I believe it was made by Ed Merrens who at</p> <p>12 the time I believe was the Chief Clinical</p> <p>13 Officer.</p> <p>14 Q Do you know if it went to the Board?</p> <p>15 A I do not know that it went to the Board, no.</p> <p>16 Q Why was the decision made to close the division?</p> <p>17 A I think that was pretty straightforward. It was</p> <p>18 marginally profitable. It was at that time</p> <p>19 totally dysfunctional. We were unable to</p> <p>20 sustain staff to run the operation. Patients</p> <p>21 were not getting the care that they deserved,</p> <p>22 and we were not able to provide care that was to</p> <p>23 the reputation of Dartmouth-Hitchcock.</p> <p>24 Q Anything else?</p> <p>25 A No.</p>	<p style="text-align: right;">15</p> <p>1 wouldn't have filtered to you?</p> <p>2 A Yes. That's true.</p> <p>3 Q Why was her employment terminated?</p> <p>4 A She was terminated along with the closure of the</p> <p>5 REI program.</p> <p>6 Q So because she was in the program and because</p> <p>7 the program was closed, therefore her employment</p> <p>8 was terminated?</p> <p>9 A That's correct.</p> <p>10 Q Anything else?</p> <p>11 A No.</p> <p>12 Q How long have you been working at</p> <p>13 Dartmouth-Hitchcock?</p> <p>14 A Eight and a half years.</p> <p>15 Q During that period of time, has</p> <p>16 Dartmouth-Hitchcock closed any division or group</p> <p>17 of the size of the REI Division?</p> <p>18 A I'm not aware of, that we have.</p> <p>19 Q You'd probably be aware if it had occurred,</p> <p>20 right?</p> <p>21 A If it were within my purview. 10,000 people</p> <p>22 work there. I'm not privy to everything.</p> <p>23 Q I don't think you were, but I mean if a division</p> <p>24 had been closed in the 8 and a half years that</p> <p>25 you worked there, don't you think you would know</p>
<p style="text-align: right;">14</p> <p>1 Q In April of 2017, the physicians in the REI</p> <p>2 Division were David Seifer, Albert Hsu,</p> <p>3 Dr. Misty Porter, and Judy McBean was on a per</p> <p>4 diem basis. Do you know of any others?</p> <p>5 A I do not.</p> <p>6 Q So Dr. Seifer and Dr. Hsu were both fairly new</p> <p>7 employees, correct?</p> <p>8 A Fairly new meaning?</p> <p>9 Q Couple years max?</p> <p>10 A Yeah, within three years.</p> <p>11 Q Okay. Dr. Porter was also terminated, correct?</p> <p>12 A The entire program was shuttered so all of the</p> <p>13 providers were terminated.</p> <p>14 Q So she had been there for 21 years. Was there</p> <p>15 any question about her competence as a</p> <p>16 physician?</p> <p>17 A As a physician, I don't believe so. Not that</p> <p>18 I'm aware of.</p> <p>19 Q Do you think you would have been aware of it if</p> <p>20 there were concerns?</p> <p>21 A Not necessarily, no. I'm an administrative vice</p> <p>22 president so I would only be involved</p> <p>23 tangentially.</p> <p>24 Q Do you think that if there were concerns about</p> <p>25 her competence, there's a possibility that</p>	<p style="text-align: right;">16</p> <p>1 about that?</p> <p>2 A I might have. I don't know. I mean, it's</p> <p>3 possible that I, it could have closed and I</p> <p>4 would not know about it.</p> <p>5 Q Okay. But to the best of your knowledge, no</p> <p>6 other division had been closed, right?</p> <p>7 A To the best of my knowledge, that's correct.</p> <p>8 Q At the time that the division was closed, was</p> <p>9 there a demand for the services that the REI</p> <p>10 Division provided?</p> <p>11 A Yes.</p> <p>12 Q Had the division had a long history of exemplary</p> <p>13 service for women not only in the area but</p> <p>14 throughout northern New England?</p> <p>15 A I don't know what "exemplary" means. I mean --</p> <p>16 MR. SCHROEDER: Objection. Calls for</p> <p>17 speculation.</p> <p>18 Q You don't know what "exemplary" means?</p> <p>19 A Not in your terms. So, as I said, we recognized</p> <p>20 that the REI program was not able to continue to</p> <p>21 provide the level of care that is up to the</p> <p>22 reputation of the standards of</p> <p>23 Dartmouth-Hitchcock which is one of the reasons</p> <p>24 that we closed it.</p> <p>25 Q Okay. I was asking you about the history of the</p>

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<p style="text-align: right;">121</p> <p>1 A Not always. 2 (Exhibit 14 marked for identification) 3 Q I show you what's been marked Exhibit 14. 4 Have you read it? 5 A I've read it. 6 Q So you begin, this is a email that you wrote to 7 Ed Merrens, right? 8 A Yes. 9 Q And "Ed, I am not including Leslie in this 10 response," close quote. Why? 11 A I elected not to include her. 12 Q I bed your pardon? 13 A I elected not to include her. 14 Q There have been a fair number of emails which 15 we've identified and much more that I could pull 16 out where you, Leslie DeMars, Heather Gunnell 17 are going back and forth on a ton of issues. 18 This is the first one I've seen that doesn't 19 include her. So what happened? 20 A I was trying to -- I just decided that this 21 would not be helpful for me to share with 22 Leslie. 23 Q In what respect? 24 A It would not help our personal relationship in 25 terms of going forward.</p>	<p style="text-align: right;">123</p> <p>1 A That another Chair would be more effective than 2 her. 3 Q Okay. In the next sentence you say, "Based on 4 my observations and interactions, Misty has been 5 the biggest driver to the dysfunction within 6 REL." What observations are you referring to? 7 A So all of this would have been based on 8 observations in her interactions with Leslie and 9 Heather about what was going on in terms of 10 conversations, and in terms of how this 11 program -- observations may not have been an 12 appropriate word, but it was my interactions and 13 discussions with Leslie and Heather related to 14 the fact that Misty was the biggest issue. 15 Leslie continued to say that a number of times. 16 Q Okay. So am I correct based upon what you just 17 said in concluding that you had no observations 18 of Misty Porter's behavior? 19 A Yes. That's correct. 20 Q Okay. 21 A I have no observations of Misty herself related 22 to this, any negative or positive. 23 Q Have you met her? 24 A Yeah, I've met her a few times, but I've never 25 really interacted with her other than socially,</p>
<p style="text-align: right;">122</p> <p>1 Q Did you expect there was going to be a personal 2 relationship going forward? 3 A She was the Chair and I was her administrative 4 partner. As long as she was the Chair, there 5 would be that relationship. 6 Q Were you aware of discussions as of May 12 about 7 the possibility of her stepping down voluntarily 8 or involuntarily as the Chair? 9 A So I don't know exact date. Likely I was aware 10 that the conversations were going on, but I also 11 had been aware that no decision had been made. 12 Q And who was involved in those discussions? 13 A That would have been Ed Merrens and Maria Padine 14 and whoever else they would talk to. Perhaps 15 Aimee Giglio. 16 Q Had anyone asked your opinion, not in writing 17 but some shape, matter or form, essentially, 18 Daniel, should we keep her, should she step down 19 as Chair, anything like that? 20 A Something like that, sure. 21 Q And how did you weigh in? 22 A That we could probably, that another Chair would 23 probably be more effective. 24 Q So as of this date, you'd already weighed in 25 saying we ought to get her to step down, right?</p>	<p style="text-align: right;">124</p> <p>1 you know, hi, how are you said in a meeting. 2 Never been in an operating room with her, never 3 been with a patient with her. 4 Q Okay. So in terms of how she deals with 5 patients, her talents as the ultrasound or in 6 the OR, you have no information that you can 7 provide about any of those today? 8 A That's correct. So this is intended to be more 9 about my interactions. Observations is again 10 inarticulate. My observations or my 11 interactions with Leslie and the feedback that I 12 get from Leslie and from Heather. 13 Q So tell me what Heather Gunnell said about Misty 14 being a driver of dysfunction. 15 A I think, I can't quote her specifically. I 16 would say she confirmed with Leslie and maybe 17 gave examples that I can't rely on from a 18 specific standpoint regarding the fact that 19 Misty is able to manipulate Leslie. So as an 20 example, again, I don't have specifics, but 21 Leslie and I or Leslie and Heather and I or 22 Leslie and Heather may have a conversation and 23 Leslie will agree on a plan of action. Once 24 that conversation between Leslie and Misty 25 happens, Leslie will come back and have a</p>

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